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FROM David Loretto
DATE March 16, 2005
PAGES 20 (including cover)

VOICE NO. 212-408-2584
 FAX NO. 212-259-2584
 RETURN TO Teresa Melody

FAX NO. 703 872 9306
 VOICE NO. 571 272 1626

MESSAGE

Re: U.S. Patent Application Serial No. 09/975,114
 For "ELECTRICAL CONNECTOR"
Our File No.: A34699 - 070793.0139

Dear Ms. Stapor

Further to our telephone conversation of last week, please find attached a copy of the missing Request for Reconsideration on Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action that was mailed to the Office of Petitions on January 28, 2004, together with the receipt postcard bearing the PTO date stamp "Feb. 2, 2004." I have attached a copy of a facsimile receipt showing that these papers were also faxed to the Office of Petitions on October 21, 2004.

If possible, could you confirm receipt of this facsimile and let us know when we are likely to receive a decision on the request for reconsideration. Thank you very much for all your help.

Very truly yours,

David Loretto

NY02:515046.1|Notices of Confidentiality

The information contained in and transmitted with this facsimile is: 1. Subject to the Attorney-client Privilege; 2. Attorney Work Product; or 3. Confidential. It is intended only for the individual or entity designated above. You are hereby notified that any dissemination, distribution, copying, or use of or reliance upon the information contained in and transmitted with this facsimile by or to anyone other than the recipient designated above by the sender is unauthorized and strictly prohibited. If you have received this facsimile in error, please notify Baker Botts LLP, by telephone at 212.408.2500 immediately. Any facsimile erroneously transmitted to you should be immediately returned to the sender by U.S. Mail or, if authorization is granted by the sender, destroyed.

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BILLING NO. 070793.0139

ATTORNEY/EMPLOYEE NO. 04349

CRITICAL DEADLINE, SEND BY

PAGE 1/20 * RCVD AT 3/16/2005 9:10:01 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/2 * DNI:8729306 * CSID:212 408 2501 * DURATION (mm:ss):05:58

Attorney Docket No. A34699 070793.0139
Serial No. 09/975,114

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ohtsuki, Tomonari
Serial No. : 09/975,114 Examiner : Nguyen, Khiem M.
Filed : October 11, 2001 Group Art Unit: 2839
For : ELECTRICAL CONNECTOR

REQUEST FOR RECONSIDERATION ON PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

January 28, 2004

Date of Deposit

Eric J. Faragi

Agent Name

Eric J. Faragi
Signature

51,259

PTO Reg. No.

January 28, 2004

Date of Signature

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MAR 16 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On September 3, 2003, Attorneys for Applicant received a Notice of Abandonment for the failure to file a response to an Office Action dated December 18, 2002. A true and correct copy of the Notice of Abandonment is attached hereto.

Applicant's attorneys of record, Baker Botts LLP, however, never received a copy of the Office Action, and as such, could not reply to it. A search of the file jacket and docket records indicates that the Office communication was not received.

Attorney Docket No. A34699 070793.0139
Serial No. 09/975,114

In accordance with M.P.E.P. § 711.03(c) "Petition to withdraw holding of abandonment based on failure to receive office action," Applicant submits it never received the Office Action that was mailed on December 18, 2002 and therefore cannot respond to it.

Applicant's attorney sent a status letter to the Patent Office on July 9, 2003, stating that "our periodic docket check indicates that to date we have not received an Office Action in the above-referenced application." The stamp of the Patent Office Mailroom was dated July 14, 2003 on the return postcard.

A copy of the docket record for Paul Ragusa, the attorney of record in the instant application, for March 18, 2003 and June 18, 2003, the three and six month dates from the Office Action mailing date is enclosed herewith. The docket record shows no entry for the above-referenced application.

Applicant's attorney filed a petition to withdraw the holding of abandonment based on the aforementioned facts. The Patent Office dismissed the petition on January 7, 2004 because the docket record needed further explanation. Applicant now offers further explanation and respectfully requests reconsideration of the petition.

The docket record enclosed (previously and herewith), shows the files with actions due on March 18, 2003 and June 18, 2003 for Paul Ragusa, the attorney of record in the instant application. Thus, if the Office Action were received and docketed by Baker Botts LLP, the docket records for March 18, 2003 and June 18, 2003 are where the non-received Office Action would have been entered.

Applicant requests the holding of Abandonment of the application be withdrawn and a copy of the Office Action, redated to the mailing date of the Patent Office's response to this communication, to be resent.

Attorney                                                                                                                                                                                      

Applicant does not believe that any fee is required in connection with the submission of this document. However, should any additional fee be required, or if any overpayment has been made, the Commissioner is hereby authorized to charge any fees, or credit or any overpayments made, to Deposit Account 02-4377.

Respectfully submitted,

BAKER BOTTS L.L.P.

By:


Paul A. Ragusa
Patent Office Reg. No. 38,587
Attorneys for Applicants

Eric J. Faragi
Patent Office Reg. No. 51,259
Agent for Applicants

30 Rockefeller Plaza
New York, NY 10012-4498
212-408-2500

BAKER BOTTS LLPPlease type a plus sign (+) inside this box → **F**

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages In This Submission	Application Number 09/975,114
	Filing Date October 11, 2001
	First Named Inventor Tomonari Ohtsuki
	Group Art Unit 2839
	Examiner Name Nguyen, Khiem M.
	Attorney Docket Number A34699 070793.0139

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.62 or 1.63	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): See below
Remarks <input checked="" type="checkbox"/> 1. Copy of Office Action dated January 28, 2004; 2. Transmittal Form; 3. Fee Transmittal Form; 4. Return receipt postcard.		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	BakerBotts LLP 30 Rockefeller Plaza New York, NY 10112	
Signature	At Name: Eric J. Faragi PTO Reg: 51,259	
Date	January 28, 2004	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: January 28, 2004

Typed or printed name	Eric J. Faragi	Date	January 28, 2004
Signature	<u>Eric J. Faragi</u>		

BAKER BOTTS LLP

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 0)

Complete if Known

Application Number	09/875,114
Filing Date	October 11, 2001
First Named Inventor	Tomonari Ohtsuki
Examiner Name	Nguyen, Khiem M.
Group Art Unit	2839
Attorney Docket No.	A34699 070799.0139

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge indicated fee and credit any overpayments to:

Deposit Account Number **02-4377**
Deposit Account Name **Baker Botts LLP**

Charge Any Additional Fee Required Under 37 CFR 1.18 and 1.17

Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed:

Check Credit card Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
740	370	Utility filing fee	
330	165	Design filing fee	
510	255	Plant filing fee	
740	370	Reissue filing fee	
160	80	Provisional filing fee	
SUBTOTAL (1) (\$ 0)			

2. EXTRA CLAIM FEES

Total Claims	20	=	0	X	=	0	Fee Paid
Independent Claims	3	=	0	X	=	0	
Multiple Dependent							

Large Entity Small Entity

Fee (\$)	Fee (\$)	Fee Description
18	9	Claims in excess of 20
84	42	Independent claims in excess of 3
280	140	Multiple dependent claim, if not paid
84	42	** Reissue independent claims over original patent
18	9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$ 0)		

*For number previously paid, # greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee (\$)	Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath			
50	25	Surcharge - late provisional filing fee or cover sheet			
130	130	Non-English specification			
2,520	2,520	For filing a request for ex parte reexamination			
920*	920*	Requesting publication of SIR prior to Examiner action			
1,840*	1,840*	Requesting publication of SIR after Examiner action			
110	55	Extension for reply within first month			
400	200	Extension for reply within second month			
920	460	Extension for reply within third month			
1,440	720	Extension for reply within fourth month			
1,960	980	Extension for reply within fifth month			
320	160	Notice of Appeal			
320	160	Filing a brief in support of an appeal			
280	140	Request for oral hearing			
1,510	1,510	Petition to institute a public use proceeding			
110	55	Petition to revive - unavoidable			
1,280	640	Petition to revive - unintentional			
1,280	640	Utility issue fee (or refuse)			
460	230	Design issue fee			
620	310	Plant issue fee			
130	130	Petitions to the Commissioner			
60	60	Processing fee under 37 CFR 1.17(q)			
180	180	Submission of Information Disclosure Stmt			
40	40	Recording each patent assignment per property (times number of properties)			
740	370	Filing a submission after final rejection (37 CFR § 1.129(a))			
740	370	For each additional invention to be examined (37 CFR § 1.129(b))			
740	370	Request for Continued Examination (RCE)			
900	800	Request for expedited examination or a design application			
Other fee (specify)					
*Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$ 0)	

SUBTOTAL (3) (\$ 0)

SUBMITTED BY		Complete if applicable		
Name (Print/Type)	Eric J. Faragi	Registration No. Attorney/Agent	51,259	Telephone 212.408.2591
Signature		Date		January 28, 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ohtsuki, Tomonari
Serial No. : 09/975,114 Examiner : Nguyen, Khiem M.
Filed : October 11, 2001 Group Art Unit: 2839
For : ELECTRICAL CONNECTOR

PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE
TO RECEIVE OFFICE ACTION

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

September 11, 2003
Date of Deposit

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MAR 16 2005

Eric J. Faragi
Agent Name

51,259
PTO Reg. No.

Eric J. Faragi
Signature

September 11, 2003
Date of Signature

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On September 3, 2003, Attorneys for Applicant received a Notice of Abandonment for the failure to file a response to an Office Action dated December 18, 2002. A true and correct copy of the Notice of Abandonment is attached hereto.

Applicant's attorneys of record, Baker Botts LLP, however, never received a copy of the Office Action, and as such, could not reply to it. A search of the file jacket and docket records indicates that the Office communication was not received.

In accordance with M.P.E.P. § 711.03(c) "Petition to withdraw holding of abandonment based on failure to receive office action," Applicant submits it never received the Office Action that was mailed on December 18, 2002 and therefore cannot respond to it.

Attorney I.D. # No. A34699 070793.0139
Serial No. 09/975,114

Applicant's attorney sent a status letter to the Patent Office on July 9, 2003, stating that "our periodic docket check indicates that to date we have not received an Office Action in the above-referenced application." The stamp of the Patent Office Mailroom was dated July 14, 2003 on the return postcard.

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Respectfully submitted,

BAKER BOTTS L.L.P.

By:


Paul A. Ragusa
Patent Office Reg. No. 38,587

Attorneys for Applicants

Eric J. Faragi
Patent Office Reg. No. 51,259
Agent for Applicants

30 Rockefeller Plaza
New York, NY 10012-4498
212-408-2500

BAKER BOTTSPlease type a plus sign (+) inside this box →

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/975,114
		Filing Date	October 11, 2001
		First Named Inventor	Tomonari Ohtsuki
		Group Art Unit	2839
		Examiner Name	Nguyen, Khiem M.
Total Number of Pages in This Submission		Attorney Docket Number	
A34699 070793.0139			

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	See below
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks <input checked="" type="checkbox"/>		
1. Copy of Office Action dated August 27, 2003. 2. A copy of the docket record for March 18, 2003 and June 18, 2003. 3. Return receipt postcard.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Baker Botts LLP 30 Rockefeller Plaza New York, NY 10112
Signature	<i>Eric J. Faragl</i>
Date	September 11, 2003
Att Name:	Eric J. Faragl
PTO Reg:	51,259

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Typed or printed name	Eric J. Faragl
Signature	<i>Eric J. Faragl</i>
Date	September 11, 2003

BAKER BOTTS LLP

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 0)

Complete If Known	
Application Number	09/975,114
Filing Date	October 11, 2001
First Named Inventor	Tomonari Ohtsuki
Examiner Name	Nguyen, Khiem M.
Group Art Unit	2839
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1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
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Number

02-4377

Deposit
Account
Name

Baker Botts LLP

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
 Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed:

Check Credit card Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee (\$)	Fee (\$)	Fee Description	Fee Paid
740	370	Utility filing fee			
330	185	Design filing fee			
610	265	Plant filing fee			
740	370	Reissue filing fee			
160	80	Provisional filing fee			
SUBTOTAL (1) (\$ 0)					

2. EXTRA CLAIM FEES

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			20 ** = 0	X	0
			9 ** = 0	X	0

Large Entity Small Entity

Fee (\$)	Fee (\$)	Fee Description
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64	42	Independent claims in excess of 3
280	140	Multiple dependent claim, if not paid
64	42	** Reissue independent claims over original patent
18	9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$ 0)		

*or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

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1,960	980	Extension for reply within fifth month			
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320	180	Filing a brief in support of an appeal			
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1,280	640	Petition to revive - unintentional			
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40	40	Recording each patent assignment per property (times number of properties)			
740	370	Filing a submission after final rejection (37 CFR § 1.128(a))			
740	370	For each additional invention to be examined (37 CFR § 1.128(b))			
740	370	Request for Continued Examination (RCE)			
900	900	Request for expedited examination of a design application			
Other fee (specify)					

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0)

SUBMITTED BY

Name (Print/Type)	Eric J. Farag	Registration No. Category/Award	51,259	Telephone	212.408.2591
Signature		Date	September 11, 2003		

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